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SUN OPTICS, INC.

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF DELAWARE

SUN OPTICS, INC., a Utah Corporation,
Plaintiff,

v.

FGX International, Inc., a Delaware
Corporation,
Defendant.

Civil Action No. 1:07cv137-SLR

**PLAINTIFF'S MOTION FOR
PRELIMINARY INJUNCTION**

Oral Argument May 18, 2007 9:00 a.m.

Filed April 5, 2007

Sun Optics, Inc. ("Sun Optics") hereby moves the Court for an order preliminarily enjoining Defendant FGX International, Inc. ("Foster Grant" or "Defendant") from making, using, selling, offering to sell or importing products currently sold under the trade names "Private Eyes" reading glasses and "Sun Readers" reading glasses, or any colorable imitation thereof, in or into the United States, that are marketed in reading glass cases and displays that

likely infringe on the claims of U.S. Patent No. 7,188,739 (the “’739 patent”) pending the outcome of this action.

As shown by the accompanying memorandum in support of this motion, supporting declarations, and exhibits thereto, Sun Optics has made the requisite showing for the granting of a preliminary injunction. Namely, Sun Optics has shown: (1) a reasonable likelihood of success on the merits of its claims of infringement, (2) the prospect of irreparable harm due to Foster Grant’s infringing activities, (3) the balance of the parties’ hardships is in favor of an injunction, and (4) the only important public interest implicated by the ’739 patent is the public’s interest in upholding the patent system. Accordingly, this Motion should be granted.

Filed simultaneously herewith are: (1) a Memorandum in Support of Plaintiff’s Motion for Preliminary Injunction; and (2) the Declaration of Bruce Raile in Support of Plaintiff’s Motion for Preliminary Injunction.

A proposed Order is also submitted herewith.

Respectfully submitted,

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